

REMARKS

Claims 1-19 are pending in this application. Claims 1, 5, 13 and 14 are independent claims. Claims 1, 5, 10, 13, 14 and 17 are amended. Reconsideration and allowance of the present application are respectfully requested.

Specification

The Abstract is objected to because of informalities, for example, the Abstract should be in narrative form and generally limited to a single paragraph on a separate sheet of within the range of 50 to 150 words. The Abstract has been amended to include in between 50 and 150 words. Therefore, Applicants respectfully request that the Examiner withdraw the objection.

Claim Objections

Claim 17 is objected to because of informalities. Claim 17 has been amended with the correct spelling of 'pseudonoise'. Therefore, Applicants respectfully request that the objections to claim 17 be withdrawn.

Rejections under 35 U.S.C. §112

Claim 10 stands rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The term claim 10 has been amended to replace the term "the clock signal" with the term "a clock signal" which does not lack sufficient antecedent basis.

Therefore, Applicants respectfully request that the rejections of claim 10 under 35 U.S.C. §112 be withdrawn.

Rejections under 35 U.S.C. §102 - Terasawa

Claims 1-8 and 11-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2003/0147365 ("Terasawa et al."). This rejection is respectfully traversed.

Terasawa fails to teach all of the elements in each of claims 1, 5, 13 and 14 as amended. Terasawa does not specifically teach either a signal selector, as is claimed in claims 1 and 5, or a mode selection signal, as is claimed in claims 1, 5, 13 and 14. Furthermore, in Terasawa, sequences (signals) are buffered after they are received and selected (*Terasawa*: paragraph 55). Claims 1, 5, 13 and 14, as amended, each claim a signal selector that receives, buffers *then* outputs first codes and second codes based on a mode selection signal. Thus, Terasawa fails to teach selecting signals in the same manner as claims 1, 5, 13 and 14 and, consequently, Terasawa fails to teach each of the elements in each of claims 1, 5, 13 and 14 as is required for a 102 rejection. The amendments to claims 1, 5, 13 and 14 are supported by the Applicants' specifications and figures (Applicants' published application: paragraph [0044] and figs. 6 and 10). Furthermore, the order in which the signals are received, buffered and selected within the signal selector has a direct impact on the physical location of the buffer with respect to the logical component responsible for selecting the desired signal. For at least the reasons stated above, Terasawa fails to teach each of the elements in claims 1, 5, 13 and 14 respectively and thus, cannot be used to support a rejection of any of claims 1, 5, 13 and 14 under 102(e). Consequently, a Terasawa cannot be used to support a rejection of claims 1-8, 11-19 2-4, 6, 8, 11, 12 and 15-19 under 102(e) at least in view of their dependence on claims 1, 5 and 14.

Therefore, Applicants respectfully request that this rejection of claims 1-8 and 11-19 under 35 U.S.C. §102 be withdrawn.

Rejections Under 35 U.S.C. § 103 – Terasawa in view of Cripps

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Terasawa et al. in view of U.S. Patent No. 4,930,140 (“Cripps et al.”). This rejection is respectfully traversed.

It is improper to combine Terasawa and Cripps to form the basis of a 103 rejection. First, a person of ordinary skill in the art would not be motivated to combine the teachings of Cripps and Terasawa nor would they have a reasonable expectation of success. Cripps suggests that using the disclosed data correlator with spreading codes that have both low cross correlation properties and varying lengths could improve cross channel discrimination between spreading codes of varying lengths (*Cripps*: col. 7, ln. 30). As a first matter, the two main protocols used in Terasawa, W-CDMA and cdma2000, do not use variable lengths to differentiate between the various codes each protocol generates. W-CDMA differentiates by using different Gold codes which are special codes whose inherent mathematical properties make them especially simple to correlate. Cdma2000 differentiates by using varying time shifts (or offsets) in a common code, not multiple codes of varying lengths (*Terasawa*: paragraph [0006]). Accordingly, one of ordinary skill in the art would not be motivated to use a correlation method that relies on codes having varying lengths with protocols that have no such restriction.

Furthermore, the correlator disclosed by Cripps comprises more than a register and a multiplexer. The correlator disclosed by Cripps cannot function to improve cross channel discrimination between spreading codes without both the XOR gate (*Cripps*: col. 6, ln. 51 and fig. 4) and majority vote element (*Cripps*: col. 6, ln. 68) also disclosed by Cripps. Consequently, one who simply combined the register and multiplexer in Cripps with the device taught by Terasawa, as the examiner suggests (*5-30-2007 Office Action*: page 8, ln. 3-6), could not achieve improved channel discrimination even if the device taught by Terasawa *did* use codes that relied

on code length to differentiate themselves. Furthermore one of ordinary skill in the art would not be motivated to add the correlator in Cripps to the correlator Terasawa at least in light of the fact that the correlator already disclosed in Terasawa presently supports W-CDMA and CDMA correlating (*Terasawa*: paragraph [0061]). Accordingly, for at least the reasons stated above, there is no suggestion or motivation within Terasawa or Cripps to combine the teachings of the two references nor is there any basis within either reference for a reasonable expectation of success on the part of one having ordinary skill in the art.

Finally, the combination of Cripps and Terasawa fails to teach all the limitations in claim 9. The examiner argues that a combination of a plurality of registers and multiplexers, as taught by Cripps, to the *correlator* taught by Terasawa is obvious (*5-30-2007 Office Action*: page 8, ln. 3-6). However, Claim 9 claims the use of a plurality of registers and multiplexers in a *signal selector* not a correlator. Neither Terasawa nor Cripps specifically mentions a signal selector and they certainly do not teach or suggest combining anything with a signal selector. Additionally, Cripps discloses the use of a single register and a single multiplexer (*Cripps*: col. 6, ln. 18-20) whereas claim 9 claims the use of a plurality of both. Consequently, Terasawa and Cripps fail to teach each of the limitations in claim 9.

For the at least the reasons stated above, a *prima facie* case of obviousness has not been established for claim 9. Therefore, Applicants respectfully request that this rejection of claim 9 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

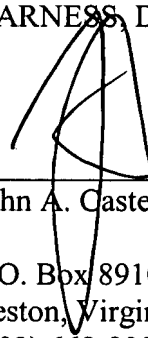
Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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By



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